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BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C. 20554

FEB - 5 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Rulemaking to Amend Parts 1, 2, 21, and 25 of ) CC Docket 92-297  
the Commission's Rules to Redesignate the )  
27.5 - 29.5 GHz Frequency Band, to Reallocate )  
the 29.5 - 30.0 GHz Frequency Band, to )  
Establish Rules and Policies for Local Multipoint )  
Distribution Service and for Fixed Satellite Services )

COMMENTS OF LORAL SPACE & COMMUNICATIONS LTD.  
IN SUPPORT OF PETITION FOR RECONSIDERATION

The Commission recently adopted service rules for Ka-band satellite systems to promote the development of Ka-band services.<sup>1</sup> Hughes Communications Galaxy, Inc. ("Hughes"), among others, filed a "Petition for Reconsideration or Clarification" requesting that the Commission clarify or reconsider certain aspects of the Order, including international deviations from the Commission's 28 GHz band plan and licensee milestone requirements.<sup>2</sup> Loral, a leading satellite service and system provider, has a direct interest in this proceeding because it has been licensed by the Commission to launch and operate its GSO/FSS Ka-band system, CyberStar™,

<sup>1</sup> In the Matter of Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, Third Report and Order, FCC 97-378 (rel. Oct. 15, 1997). ("Service Rules Order")

<sup>2</sup> "Petition for Reconsideration or Clarification" of Hughes Communications Galaxy, Inc., (Filed December 18, 1997). ("Hughes Petition")

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that will provide world-wide broad-band services to both commercial and residential users via low-cost subscriber terminals.<sup>3</sup>

Loral agrees with Hughes that certain aspects of the Service Rules Order concerning international aspects of the 28 GHz band plan and licensee milestone requirements should be clarified. Loral urges the Commission to clarify its service rules as described below.

## **I. Issues That Should Be Clarified**

### **A. International Deviations From the 28 GHz Band Plan**

One of the cornerstones of the Commission's Service Rules Order is that satellite licensees must operate, both domestically and internationally, in accordance with the Commission's band plan.<sup>4</sup> The licensing priority arrangement adopted by the Commission binds all Commission licensees and thus advances the Commission's policy of promoting its 28 GHz band plan, a carefully crafted compromise that balances the spectrum requirements of many systems, and mitigates coordination issues for all licensees.

The Commission has observed that prior international coordination agreements between the United States and other administrations requires deviation from the 28 GHz band plan in

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<sup>3</sup> In the Matter of Loral Space & Communications Ltd. Application for Authority to Construct, Launch, and Operate a Ka-Band Satellite System in the Fixed-Satellite Service, Order and Authorization, DA 97-974 (rel. May 9, 1997); In the Matter of Assignment of Orbital Locations to Space Stations in the Ka-Band, Order, DA 97-967 (rel. May 9, 1997); In the Matter of Assignment of Orbital Locations to Space Stations in the Ka-band, Order, DA 97-2654 (rel. December 19, 1997). Pursuant to its unopposed application for consent to transfer of control, Loral is awaiting Commission approval to acquire another Commission Ka-band licensee, Orion Network Systems Inc., that also holds Commission authority to launch and operate a global satellite system.

<sup>4</sup> Service Rules Order at ¶¶ 66-70.

certain regions of the world.<sup>5</sup> For example, at an industry status conference last year Commission staff noted that international coordination agreements with Japan would require a deviation from § 25.258 of the Rules with respect to operation of an NGSO/MSS system in the 29.25-29.5 GHz band.<sup>6</sup> However, the Commission has not provided detailed information concerning the situations where deviation will be required.

Given the decision of WRC-97 to promote spectrum sharing among different satellite system architectures, it is essential that licensees have access to the details of any international arrangements that will require deviation from the 28 GHz band plan. Licensees can then make the most efficient use of available spectrum by adjusting their system designs to account for United States commitments made to foreign administrations.

Loral agrees with Hughes that unless the Commission provides this information, licensees cannot be expected to finalize their system designs and commence construction because they cannot understand the extent of the modifications that the Commission may require.<sup>7</sup> Loral thus requests that the Commission provide information to Loral and other licensees regarding the nature and extent of any deviations in the 28 GHz band plan that will be required.

#### **B. Licensee Milestone Requirements**

Because licensees cannot proceed beyond the initial stages of system development without spectrum assignments, the Commission declined to impose specific system implementation

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<sup>5</sup> Service Rules Order at ¶ 69. *See also* Hughes Petition at pp. 3-4.

<sup>6</sup> *See* Hughes Petition at p. 4.

<sup>7</sup> Id.

milestones on NGSO and GSO licensees, including Loral, which have requested but have not yet received assignments for inter-satellite link spectrum.<sup>8</sup>

Hughes notes that the text of § 25.145(f) of the Commission's Rules seems to unintentionally differentiate between NGSO/FSS licensees and GSO/FSS licensees by omitting words that would clearly indicate that the implementation milestone schedule for a GSO/FSS licensee begins to run only upon unconditional grant of its authorization. Hughes suggests changes to § 25.145(f) to clarify that the Commission's treatment of NGSO/FSS and GSO/FSS system milestone issues is symmetrical.<sup>9</sup> Loral believes that the changes suggested by Hughes would accurately codify that policy. Loral urges the Commission to clarify the language of § 25.145(f) as suggested by Hughes.

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<sup>8</sup> Service Rules Order at ¶ 55. The Commission has not imposed system implementation milestones on Loral because the Commission has not yet authorized specific inter-satellite link frequencies to Loral. In the Matter of Loral Space & Communications Ltd. Application for Authority to Construct, Launch, and Operate a Ka-Band Satellite System in the Fixed-Satellite Service, Order and Authorization, DA 97-974 (rel. May 9, 1997) at ¶ 27.

<sup>9</sup> Hughes Petition at pp. 2-3.

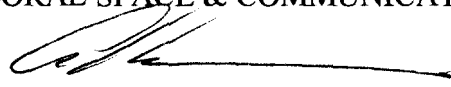
## **II. Conclusion**

For the reasons outlined in these Comments, Loral urges the Commission to reconsider and clarify its Ka-band Service Rules Order as described herein.

Respectfully submitted,

LORAL SPACE & COMMUNICATIONS LTD.

By:



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February 5, 1998

## CERTIFICATE OF SERVICE

I, Tonia R. Gilchrist, hereby certify that a true and correct copy of the foregoing Comments of Loral Space & Communications Ltd. was filed with the Commission and sent via hand delivery, this 5th day of February, 1998, to each of the following:

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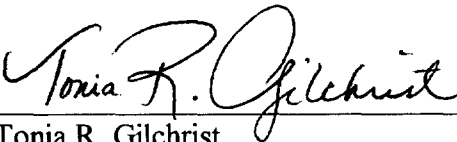
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